

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MARCUS BYNUM, <u>et al.</u>,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action Number 02-956 (RCL)
)	
DISTRICT OF COLUMBIA,)	
)	
Defendant.)	
)	

ORDER

Upon consideration of Plaintiffs' motion filed May 5, 2003 [83], it is hereby

ORDERED that Plaintiffs' Motion (Second) to Certify Strip Search Class [83] is
GRANTED. This Court hereby adopts the following definition for the class:

Each person who, in the three years preceding the filing of this action, up until the date this case is terminated, has been, is or will be: (i) in the custody of the Department of Corrections; (ii) taken to court from a Department of Corrections facility; (iii) ordered released by the court or otherwise became entitled to release by virtue of the court appearance because the charge on which he had been held was no longer pending or was dismissed at the hearing, was ordered released on his own recognizance, or had posted bail, was sentenced to time served, was acquitted or was otherwise entitled to release; (iv) was not the subject of any other pending case or cases which imposed any condition of release other than personal recognizance; (v) was not the subject of any detainer or warrant; (vi) was returned to the DC Jail or CTF from court, to be processed out of Department of Corrections custody; and (vii) was subjected to a strip search and/or visual body cavity search without any individualized finding of reasonable suspicion or probable cause that he was concealing contraband or weapons; before being released, regardless of whether he was overdetained.

It is further ORDERED that Plaintiffs' Motion for Leave to Amend Second Amended Complaint and To File A Third Amended Class Action Complaint for Money Damages and Injunctive Relief Incorporating Memorandum of Points and Authorities [72] is GRANTED. It is further

ORDERED that Defendant's Motion for Reconsideration of March 31, 2003 Order Certifying "Overdetention" Class [71] is DENIED. It is further

ORDERED that Defendant's Motion for A Protective Order [75] is DENIED. It is DENIED as moot as to paragraphs 1-2 and 4-11 because plaintiffs have withdrawn those paragraphs without prejudice. It is DENIED as to paragraph 3 with prejudice. It is further

ORDERED that Plaintiffs' Motion to Compel [87] is DENIED. Plaintiffs' Motion to Compel Defendant to Show It Has Adequately Staffed This Case is DENIED because plaintiffs have failed to provide this Court with any legal basis for their request. Plaintiffs' Motion to Compel Defendant to File a Responsive Pleading to Plaintiffs' Second Motion to Certify the Strip Search Class, Incorporating Points and Authorities is DENIED as moot as defendants have filed the responsive pleading as of this date. It is further


ORDERED that Defendant's Motion to Extend Time to 5/28/03 to File Opposition to Second Motion of Plaintiffs to Certify Strip Search Class [89] is GRANTED. Plaintiffs offered no opposition to Defendant's Motion and therefore it is conceded

ORDERED that Plaintiff's Consent Motion to Amend Second Motion for Certification of

the Strip Search Class by Adding Resumes of Barrett Litt and Paul Estuar [92] , which was filed on July 31, 2003, is GRANTED.

SO ORDERED.

Date: 8-11-03


Royce C. Lamberth
United States District Judge